Remarks

Applicant respectfully requests reconsideration of this application as amended.

Claims 1, 3, 4, 12, 13, 15, 24 and 26 have been amended. No claims have been cancelled.

Therefore, claims 1-34 are presented for examination.

Claims 1-2, 8-14, 20-25 and 31-34 stand rejected under 35 U.S.C. §102(e) as being

anticipated by Asai et al. (U.S. Patent No. 6,760,765). Applicant submits that the present

claims are patentable over Asai.

Asai discloses a cluster server apparatus operable to continuously carrying out data

distribution to terminals even if among a plurality of cache servers of the cluster server

apparatus cache server, while optimally distributing loads on the plurality of cache servers.

A cluster control unit of the cluster server apparatus distributes requests from the terminals

based on the load of each of the plurality of cache servers. A cache server among the

plurality of cache servers distributes, requested data (streaming data) to a terminal if the

requested data is stored in a streaming data storage unit of the cache server, while distributing

data from a content server the requested data if it is not stored in the streaming data storage

unit. The data distributed from the content server is redundantly stored in the respective

streaming data storage units of two or more cache servers. One cache server detects the state

of distribution of the other cache server that stores the same data as that stored in the one

cache server. If the one cache server becomes unable to carry out distribution, the other

cache server continues data distribution instead. See Asai at Abstract.

Claim 1 of the present application recites determining at least one desired block size,

if said content comprises linear characteristics, dividing a track file to generate a plurality of

block files, wherein each of said block files correspond in size to said at least one desired

block size and if said content does not comprise linear characteristics, dividing each of said plurality of track files to generate a plurality of block files, wherein each of said block files correspond in size to said at least one desired block size. Applicant submits that Asai does not disclose such a process. Thus, claim 1 is patentable over Asai.

Claims 2-11 depend from claim 1 and include additional features. Therefore, claims 2-11 are also patentable over Asai.

Independent claims 12, 13 and 24 include similar features. Thus, claims 12, 13 and 24, and the respective dependent claims, are also patentable over Asai.

Claims 1-2, 9-11, 13-14, 21-25 and 32-34 stand rejected under 35 U.S.C. §102(b) as being anticipated by Kobayashi et al. (U.S. Patent No. 5,905,847). Applicant submits that the present claims are patentable over Kobayashi.

Kobayashi discloses a client-server system which improves efficiency of each server by distributing loads to a plurality of servers having a plurality of storages for sequentially storing data which are distributed in each of the plurality of storages, a plurality of servers, each of which is connected to the plurality of storages, for accessing the data distributed and stored in each of the plurality of storages; an administration apparatus which is connected to the plurality of servers for administrating the data sequentially stored in the plurality of storages, and the plurality of servers; and a client which is connected to both the administration apparatus and the plurality of servers, the clients specifies a server which is connected to a storage where a head block of the data is stored by inquiring to the administration apparatus, and accesses the data in the plurality of servers according to the order of the data storage sequence from the specified server. See Kobayashi at Abstract.

Nonetheless, Kobayashi does not disclose determining at least one desired block size, if said content comprises linear characteristics, dividing a track file to generate a plurality of block files, wherein each of said block files correspond in size to said at least one desired block size and if said content does not comprise linear characteristics, dividing each of said plurality of track files to generate a plurality of block files, wherein each of said block files correspond in size to said at least one desired block size. As a result, the present claims are patentable over Kobayashi.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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